



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,175	04/19/2004	Edgar Bonifer	MAN03 P-116	2415

28101 7590 03/15/2005

VAN DYKE, GARDNER, LINN AND BURKHART, LLP
2851 CHARLEVOIX DRIVE, S.E.
P.O. BOX 888695
GRAND RAPIDS, MI 49588-8695

EXAMINER

RIDLEY, RICHARD

ART UNIT PAPER NUMBER

3651

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/827,175

Applicant(s)

BONIFER ET AL.

Examiner

Richard Ridley

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-15, 17, 23-36 and 38-44 is/are rejected.
- 7) ☒ Claim(s) 7-12, 16, 18-22 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4-19-04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1-3-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tooth arrangements as claimed in claims 27, 28, 29 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recited designs of the driving gearwheels in claim 37 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 3651

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 14 recites the limitation "the accelerating and braking processes". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 4, 5, 6, 13, 14, 17, 23, 24, 25, 38, 39, 40, 41, 42, 43, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman USP 3,934,707 in view of Jahns. Bowman discloses a similar device comprising a(n):

Art Unit: 3651

- Frame parts which stand on the floor and on which are arranged load-bearing members which are spaced apart parallel to one another, each load-bearing member comprises a load-bearing profile (20, 22) and a bar 24, 26)
- Drivable load-bearing elements (16, 16a)
- Endlessly circulating load bearing belts (12, 12a)
- Plurality of spaced apart load-bearing rollers (18, 18a)

Bowman does not disclose modular-construction conveying units being at least one of mechanically connected and electrically connected.

Jahns teaches mechanically & electrically connecting modular-construction conveying units (abstract) for the purpose of providing for a means to allow for an elongated conveyor train composed of multiple conveyors that can easily separated and stored (C1/L24-26) and for the purpose of allowing for the use of only one power source such that each conveyor station of the roller train obtains electrical power through a cascades affect (C1).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have mechanically or electrically connecting modular-construction conveying units, as taught by Jahns, in the device of Bowman, for the purpose of providing for an elongated conveyor train composed of multiple conveyors that can easily separated and stored and for the purpose of allowing for the use of only one power source such that each conveyor station of the roller train obtains electrical power through a cascades affect.

Re clm 14, Jahns discloses synchronizing accelerating and braking processes between preceding and following conveyor units.

Art Unit: 3651

6. Re clm 39, the examiner notes that Bowman in view of Jahns is adjustable to vary the length of the units. The claim is broadly written in that no particular structure has been recited which allows for adjustability.

7. Claims 1, 2, 26-29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman USP 3,934,707 in view of Jahns USP 5,058,727 and further in view of Patrito.

In view of Patrito, it would have been obvious to one having ordinary skill in the art at the time of the invention to have provided teeth on the underside of the belts for purposes of preventing slippage between the belt and corresponding roller.

8. Claims 1, 15, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman USP 3,934,707 in view of Jahns USP 5,058,727 and further in view of Wieser.

In view of Wieser it would have been obvious to one having ordinary skill in the art at the time of the invention to have provided three load bearing tracks. Wieser teaches employing the use of three load bearing tracks (2; fig. 2) for the purpose of facilitating the conveying of objects.

Re clm 39, Weiser discloses an adjustable conveying length (15).

9. Claims 1, 30, 31, 32, 33, 34, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman USP 3,934,707 in view of Jahns USP 5,058,727 and further in view of Folkes and further in view of Moot.

In view of Folkes it would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the load-bearing belt with reinforcements for the purpose of increasing belt strength.

Art Unit: 3651

In view of Mott it would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the belt with a profile having a plurality of ribs that extend at different angles across said belt for the purpose of facilitating conveyance of articles.

10. Claims 1, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman USP 3,934,707 in view of Jahns USP 5,058,727 and further in view of Holmqvist.

In view of Mott it would have been obvious to one having ordinary skill in the art at the time of the invention to have provided load-bearing rollers designed with a flanged wheel for the purpose of providing for a means to guide the conveying belt.

Allowable Subject Matter

11. Claims 7-12, 16, 18-22, 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3651

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

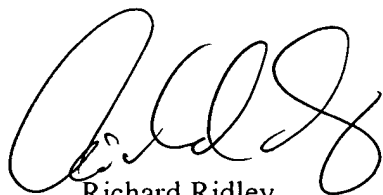
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (703) 306-5910. The examiner can normally be reached on Mon-Thur 7:00 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3651

A handwritten signature in black ink, appearing to read 'Richard Ridley', is positioned above the printed name and date.

Richard Ridley
March 8, 2005

Richard Ridley
Primary Examiner
Art Unit 3651